



**EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL
AFFAIRS**

**Richard K. Sullivan, Jr., Secretary
Grant Announcement**

**Request for Responses (RFR) ENVA 12 DCS 08
Posting Date: May 30, 2012**

**Conservation Appraisals and Open Space & Recreation Plans for
Small Communities Grant
FY 2012/13**

1. GRANT OPPORTUNITY SUMMARY:

A. PROPOSALS SOUGHT FOR: Financial assistance to municipal conservation commissions of small municipalities (6,000 or fewer residents) for producing an Open Space and Recreation Plan, and/or conducting appraisals of land, as required to apply for the Local Acquisitions for Natural Diversity (LAND) grant program.

B. OVERVIEW AND GOALS: The Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the natural resources of the Commonwealth. This Program assists municipalities with populations below 6,000 in meeting the requirements for eligibility for the LAND grant program, which provides funding for acquisition of land for conservation and passive recreation.

This Program is a component of the Patrick Administration's goal of conserving biodiversity in the state. It is part of the Administration's efforts to protect undeveloped lands, unique ecosystems, rare species and Priority Habitats, and working lands, and to preserve the Commonwealth's rich natural heritage for the future. For appraisal funding, municipalities must submit an eligible application to the Fiscal Year 2013 (FY13) LAND grant to acquire the property appraised. For OSRP funding, Municipalities must submit an application for the FY13 LAND grant round, or submit an application for the FY13 round of another EEA grant program, including Drinking Water Supply Protection (DWSP), Landscape Partnership, or Parkland Acquisitions and Renovations for Communities (PARC) programs, or, an eligible 501(c)(3) non-profit may apply to the FY13 Conservation Partnership grant to acquire a property in which the municipality will hold an interest. Reimbursement payment is not contingent upon being selected to receive a LAND or other EEA grant.

C. ELIGIBLE PROJECTS:

1. An appraisal of the value of the fee simple interest or a conservation restriction, of land suitable for conservation or passive recreation, for which the Applicant applies to the FY13 LAND grant program for funding assistance to acquire.
2. Preparation of an Open Space and Recreation Plan (OSRP), including the updating of an

expired plan.

3. Both an appraisal of a property for which the community will seek FY13 LAND grant funds to acquire, and preparation of an OSRP.

See Section 2B.

D. ELIGIBLE APPLICANTS: Conservation commissions of municipalities with a current population of less than 6,000 people. See Section 2A. Eligible communities are listed in Attachment D.

E. APPLICATION DEADLINE: Rolling, no later than Monday, June 11, 2012, at 5:00pm.

Applications will be accepted on a rolling basis until all allocated funds have been awarded.

See Section 4.

F. FUNDING AVAILABILITY:

This grant provides an 80% reimbursement for approved project expenses in the following amounts:

Appraisal:	up to \$ 4,000
OSRP:	up to \$15,000
Total award:	up to \$23,000

See Section 2C.

G. BUDGET REQUIREMENT: Applicants selected to receive grant funding must show the use of funds from non-state sources for the total project cost, upon which reimbursement under this program will be based. Community Preservation Act (CPA) payments may be paired with this grant. Municipalities that use CPA funds are responsible for ensuring compliance with CPA requirements (Attachment D). See Section 2D.

H. TOTAL ANTICIPATED DURATION OF CONTRACT(S): The contract period will begin on the date EEA executes the contract. Contracts issued pursuant to this RFR must expend costs associated with the approved project by:

Appraisal(s):	June 30, 2012
OSRP:	1 st half by June 30, 2012
	2 nd half between July 1, 2012 – June 30, 2013

See section 2E and F.

I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: This RFR is issued according to M.G.L. c. 132A, §11. All applicants to whom grant assistance is provided to prepare an appraisal must also submit a complete and eligible application to the FY 13 LAND grant program for funding to acquire the appraised property for conservation and/or appropriate passive recreational use. All applicants to whom grant assistance is provided to prepare an OSRP must apply to one of the following EEA grant programs in FY13: LAND, PARC, DWSP, Landscape Partnership, or, an eligible non-profit may apply to the FY13 Conservation Partnership grant to acquire a property in which the applicant municipality commits to hold an interest. Awarded municipalities will not be reimbursed for appraisal work done under the contract if an eligible FY 13 LAND application is not received by EEA. Awarded municipalities will not be reimbursed for OSRP work done under contract if an eligible application to the FY13 LAND, PARC, or Conservation Partnership grant programs, or a commitment to submit an application to the FY13 DWSP or Landscape Partnership grant program, is not received by EEA. Reimbursement payments will be made after receipt of a LAND, PARC, or Conservation Partnership grant application or signing of a commitment by the municipal Chief Executive Officer to apply to the FY13 DWSP or Landscape Partnership grant program. Land acquired with funding assistance from any EEA-DCS grant will become protected open space under Article 97 of the Amendments to the Constitution of

the Commonwealth of Massachusetts, dedicated to conservation use in accordance with M.G.L. c. 40, §8c. See Attachment B.

J. CONTACT INFORMATION:

Celia Riechel
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900
Boston, MA 02114
617-626-1187
celia.riechel@state.ma.us

2. Performance and Contract Specifications

A. ELIGIBLE APPLICANTS: Conservation commissions of municipalities with a current population below 6,000 people. Population will be determined using the 2010 Census data available at <http://www.sec.state.ma.us/census/>. A list of eligible communities is in Attachment D.

Applicants that do not currently have an approved or draft OSRP are not eligible to receive funding for appraisals unless they also request funding for, and complete to the satisfaction of DCS, an OSRP. An applicant may request funding for appraisals of multiple parcels of land in the same application.

B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK: EEA seeks to further the conservation of suitable conservation and recreation land within the Commonwealth. Applications may be for appraisals of land for which FY13 LAND grant funding will be sought, preparation of an OSRP, or both. Preparation of an OSRP may include updating an expired plan, or a plan that will expire by December 31, 2012. Information on OSRP requirements is available here: <http://www.mass.gov/eea/docs/eea/dcs/osplanreq08.pdf>. Consult the OSRP Workbook at <http://www.mass.gov/eea/docs/eea/dcs/osrp-workbook08.pdf>. Contact Melissa Cryan with specific questions about the OSRP process at 617-626-1171 or melissa.cryan@state.ma.us.

Eligibility:

The Applicant must:

1. Have a population below 6,000 people.
2. Have no unresolved protected open space conversion issues with EEA (see EEA Article 97 Disposition Policy at: www.mass.gov/Eoea/docs/eea/dcs/DCSarticle97.pdf).
3. **For those seeking funding for appraisals:** Submit an application to the FY 13 Local Acquisitions for Natural Diversity (LAND) grant program for the same property and interest for which appraisal assistance is sought under this RFR.
4. **For those seeking funding for OSRP preparation:** Submit an application to the FY13 LAND or Parkland Acquisitions and Renovations for Communities (PARC) grant round, or commit to holding an interest on a property for which an eligible 501(c)(3) non-profit submits an application to the FY13 Conservation Partnership grant to acquire, or commit to submitting an application to the FY13 grant round of the Drinking Water Supply Protection (DWSP) or Landscape Partnership grant.

The Property (for which appraisal funding is sought) must:

1. **Not be permanently protected.** This includes properties protected under Article 97 either through an EEA grant program (PARC, DWSP, Landscape Partnership, or Conservation Partnership), a Conservation Restriction (CR), or Agricultural Preservation Restriction (APR), or other land protected under Article 97. Lands enrolled in Chapter 61, 61A or 61B are not classified as permanently protected land and are eligible to receive funding.
2. **Not be owned by the municipality.** Appraisals for land already owned by the municipality are not eligible for reimbursement.
3. **Not be in a designated Priority Development Area,** as shown on the South Coast Rail

Corridor Plan or the I-495/MetroWest Development Compact Plan (if applicable).

4. Be the subject of a LAND grant application for the FY13 grant round.

Previously developed land and brownfields: Developed, previously developed, or brownfield sites that the applicant intends to restore are eligible for acquisition under the LAND grant program, and therefore may receive funding to be appraised under this RFR. To be considered, the applicant must follow the requirements for such projects outlined in the LAND grant RFR.

'Brownfield' is defined as a property where real or perceived environmental contamination complicates redevelopment or reuse efforts. These properties are typically abandoned or underutilized commercial or industrial sites, though other land uses may also be brownfields. In many cases, these sites have been reported to the Massachusetts Department of Environmental Protection (MassDEP) because contamination has been found (to find out, go to <http://public.dep.state.ma.us/SearchableSites/Search.asp>). In other cases, sites may not have been assessed due to insufficient resources or fear of liability for possible contaminants.

C. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:

This is a reimbursement program. Reimbursements will be based upon submitted proof of municipal expenditure, not to exceed 80% of the approved project cost. Maximum funding for an OSRP is \$15,000, generally divided into two payments, in FY12 and FY13. Maximum funding available for an appraisal is \$4,000. Multiple appraisals for the same property interest will not be funded unless required by the LAND grant program (e.g., properties where the first appraised value is \$750,000 or greater, or in limited other situations to be determined by EEA). Funding of additional appraisals on the same property will be at the discretion of the EEA. Expenditures must be contracted with outside vendors; in-kind services or municipal employee wages or salaries will not be reimbursed. Communities must have an executed state contract prior to commencement of work.

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

D. BUDGET REQUIREMENT: Municipalities selected to receive grant funding must show the use of funds from non-state sources. They will be required to submit documentation of municipal expenditure for total approved project cost, as shown by canceled municipal checks, wire transfer statements, etc.

E. PROJECT TERMS: Expenditures must not predate contract execution.

Appraisals will be funded with FY12 contracts, thus, they must be completed on or before June 30, 2012. Only work done while under contract and on or before June 30, 2012 will be reimbursed.

OSRPs will generally be funded with a contract covering both FY12 and FY13, with a portion of funds available in each fiscal year. The first half must be completed on or before June 30, 2012; the final OSRP must be completed and submitted to DCS for review no later than April 1, 2013.

To receive reimbursement payment for an appraisal under this RFR, the full appraisal(s) must be submitted with the municipality's FY13 LAND grant application. Reimbursement for OSRP preparation only is contingent upon either submission of an eligible FY13 LAND, PARC, DWSP, or Landscape Partnership grant, or commitment to hold an interest in a property that is the subject of an eligible application to the FY13 Conservation Partnership grant program. A draft OSRP must at minimum include a completed public outreach process, as described on page 12 of the OSRP Workbook. The draft plan must fully describe the public participation process, including how it was advertised, and summarize its findings. OSRPs must be completed and have final DCS approval prior to reimbursement.

If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions and the EEA Supplemental Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. EEA does not guarantee that any contracts may result from this RFR or that any particular funding level will be awarded. It is anticipated that projects could commence immediately upon EEA's decision. Contracts may be extended or otherwise amended at the sole discretion of EEA.

F. ANTICIPATED DURATION OF CONTRACTS: All contracts for appraisals only will end on or before June 30, 2012; all contracts for OSRPs will end on or before June 30, 2013.

G. DELIVERABLES, OWNERSHIP, AND CREDIT DUE: Applicants must use the appraisal funded through this RFR to apply for an FY13 LAND grant. OSRPs must be completed and receive final DCS approval prior to the final OSRP reimbursement payment.

H. REPORTING: Projects for appraisals and OSRP preparation must submit a draft plan by the LAND application deadline, July 12, 2012. Projects for OSRP preparation only must submit a draft OSRP by October 29, 2012. A progress report for OSRP projects will be due January 31, 2013. No interim reports are required for appraisals.

I. INVOICING: This is a reimbursement program. Applicants selected to receive funding will be required to submit a State Standard Contract prior to commencing work. A reimbursement billing form, which will be sent to Applicants with their contract, must be submitted with documentation of payment. See Attachment I.

3. Instructions for Application Submission

A. EVALUATION CRITERIA: This is a non-competitive grant; all eligible applications will receive funding on a rolling basis, to the extent that funds are available. Funding is not contingent upon being selected to receive a LAND or other EEA grant award. EEA reserves the right to question applicants in order to clarify a proposal prior to making a final award.

B. APPLICATION SUBMISSION INSTRUCTIONS: Applications must be received in hard copy by **Monday, June 11, 2012, 5:00pm**. Any application received after the deadline will be rejected. Applications will not be accepted by fax or email. Submit application to:

Celia Riechel
RE: ENV 12 DCS 08 – Small Communities
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900

B. REQUIRED DOCUMENTS:

- ☐ Application form
- ☐ Letter from Town Manager/Chair of Selectmen authorizing the Project Manager to represent the town in connection with this application

The Application Form is provided in Attachment A of this document.

C. DOCUMENTATION REQUIRED UPON APPROVAL FOR FUNDING (to get a contract):

- Commonwealth Standard Contract Form, filled out and signed by the Respondent
- Commonwealth Scope and Budget Form
- Completed Contractor Authorized Signatory Listing (both sides)

D. DOCUMENTATION REQUIRED FOR REIMBURSEMENT:

- **For appraisals:** Copy of appraiser's summary letter/estimation of value (typically the first 1-3 pages of the full appraisal).
- **For OSRP preparation and appraisal:** Draft OSRP must be submitted by LAND FY13 application deadline. Interim progress report due by **January 31, 2013**. Completed OSRP submitted to EEA for final approval no later than **April 1, 2013**. Final OSRP must be approved by EEA.
- **For OSRP preparation only:** Draft OSRP must be submitted by **October 29, 2012**. Completed OSRP submitted to EEA for final approval no later than **April 1, 2013**. Final OSRP must be approved by EEA.
- Copy of the bill or invoice from the appraiser and/or OSRP preparer
- Copy of the cancelled municipal check(s) paid for the appraisal
- Attested statement by municipal treasurer

Respondents are encouraged to review the Commonwealth Standard Contract Form, Scope and Budget Form, and Contractor Authorized Signatory Listing prior to submission of a Response, available under the Forms & Terms tab of this Comm-PASS posting, or http://www.mass.gov/?pageID=osdmodulechunk&L=1&L0=Home&sid=Aosd&b=terminalcontent&f=osd_forms&csid=Aosd.

4. Deadlines and Procurement Calendar

A. RELEASE OF RFR: May 30, 2012

B. INFORMATION SESSION: No information sessions will be provided.

C. APPLICATION DUE DATE: Rolling acceptance, not later than **Monday, June 11, 2012**

D. ESTIMATED AWARD DATE: Funding selections are estimated to be announced within two weeks of a municipality's submission of an application, with contract negotiations to begin immediately thereafter.

E. ESTIMATED CONTRACT START DATE: Rolling. Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form.

5. Miscellaneous

A. TYPE OF PROCUREMENT: Grant

B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS: This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by EEA.

C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS: This RFR will result in multiple contracts.

D. RFR DISTRIBUTION METHOD: This RFR has been distributed electronically using the Comm-PASS system. It is the responsibility of every Applicant to check Comm-PASS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files. The application and answers to questions will also be posted on the DCS website at www.mass.gov/eea/dcs.

Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

E. LIST OF ATTACHMENTS:

- A. Application Form
- B. Appraisal report requirements for EEA grant programs
- C. Sample municipal vote
- D. Eligible communities and 2010 population

The EEA Supplemental Terms and Conditions are hereby incorporated into this RFR by reference. EEA Supplemental Terms and Conditions are found under the Forms & Terms tab of this Comm-PASS posting

Attachment A

**Conservation Appraisals and Open Space & Recreation Plans for Small Communities Grant Program
APPLICATION FORM – FY 2012/13**

Rolling submission. Absolute deadline: June 11, 2012

1. Applicant information

Municipality: _____

Population: _____ *(only municipalities with a population below 6,000 are eligible)*

Project manager & contact person:

Attach authorization from the Town Chief Executive Officer identifying the individual named below who acts as the official representative of the community in connection with this application. The Project Manager must be a member of the conservation commission, or its designee.

Name: _____

Affiliation with town: _____

Address at town hall: _____

Phone number: _____

E-mail address: _____

Date prepared: _____

2. Project information

Reimbursement payments are for 80% of approved expenditures. Funding requested for:

☐ **Appraisal(s):** \$4,000 maximum award for each appraisal

Estimated cost: \$ _____

Funding request: \$ _____

☐ **Open Space and Recreation Plan (OSRP) preparation:**

\$15,000 maximum total award

1st half/draft: work completed from contract execution to June 30, 2012:

Estimated cost: \$ _____

Funding request: \$ _____

2nd half/completion: work completed from July 1, 2012 to April 1, 2013:

Estimated cost: \$ _____

Funding request: \$ _____

Total request: \$ _____

To receive reimbursement funding for an appraisal, the applicant municipality must apply to the FY13 round of the Local Acquisitions for Natural Diversity (LAND) grant program to acquire the property interest(s) valued in the appraisal(s) for which reimbursement is sought. To receive reimbursement funding for an OSRP, the applicant municipality must apply to the FY13 round of the LAND, or Parkland Acquisitions and Renovations for Communities (PARC) grant program, or commit to holding an interest in a property that is the subject of an application by an eligible 501(c)(3) non-profit organization to the FY13 round of the Conservation Partnership grant program, or commit to applying to the FY13 round of the Drinking Water Supply Protection or Landscape Partnership grant program. Applicants without current or draft OSRPs seeking funding for an appraisal must prepare an OSRP, to be submitted in at least draft form with their LAND application.

What EEA grant program will you apply for in Fiscal Year 2013?

- ☐ LAND (applicants seeking funding for appraisals must apply to LAND)
- ☐ DWSP
- ☐ PARC
- ☐ Landscape Partnership
- ☐ The Town commits to holding an interest on a property that is the subject of a Conservation Partnership Grant, to be submitted by _____ (non-profit)

For projects requesting funds to prepare or update their OSRP:

Have you had an approved OSRP in the past? ☐ Yes ☐ No

If you have previously had an approved

OSRP, when did (or will) it expire? _____

Only applicants which do not have OSRPs, or whose OSRPs are expired or will expire by December, 2012, are eligible for funding.

For projects requesting funds to conduct an appraisal:

Property location: _____

Acreage (approximate): _____

Number of parcels: _____

Assessor's Map/Lot: _____

Interest to be appraised and proposed to acquire in LAND grant (must match the interest appraised):

- ☐ Fee simple ☐ Conservation Restriction ☐ Both

Applicants are eligible to receive reimbursement for only one appraisal per property, unless the first appraised value is \$750,000 or greater, in which they will be eligible to receive reimbursement payment for two appraisals. Expenditures made prior to receipt of an executed state contract will not be reimbursed.

3. Authorizing signatures

Chief Executive Officer:

Signature _____ Date: _____

Print Name _____

Conservation Commission:

Signature (chair) Print Name Date: _____

Signature

Print Name

Date:

Signature

Print Name

Date:

Signature _____ Date: _____

Print Name _____

Signature _____ Date: _____

Print Name _____

Signature _____ Date: _____

Print Name _____

Signature _____ Date: _____

Print Name _____

Attachment B: Appraisal Report Requirements for the Division of Conservation Services Grant Programs

If your project involves an acquisition, Appraisal Reports are absolutely critical to the success of your project. The subject property must be appraised in accordance with the Division's requirements by a qualified, independent and disinterested appraiser. Reports done for the owner, or paid for by the owner, cannot be used. The Report(s) must be submitted along with the preliminary application by the grant round application deadline.

- I. **Type of Appraisal Report Required:** The following conditions determine the number and type of appraisals required.
 - a. for acquisitions with appraised values of \$750,000 or more, two appraisals by real estate appraisers certified or licensed pursuant to M.G.L. c. 112, and dated no earlier than a year prior to the date of execution of the acquisition agreement or conveyancing documents, are required, of which one may be a review appraisal;
 - b. for acquisitions with appraised values of less than \$750,000 but more than \$50,000, one appraisal by a real estate appraiser certified or licensed pursuant to M.G.L. c. 112, and dated no earlier than a year prior to the date of execution of the acquisition agreement or conveyancing documents, is required; and
 - c. for acquisitions of \$50,000 or less, one appraisal by a real estate appraiser certified or licensed pursuant to M.G.L. c. 112, and dated no earlier than a year prior to the date of execution of the acquisition agreement or conveyancing documents, or one contracted market analysis, or one contracted opinion of value is required, subject to the discretion of the Director of the Division of Conservation Services.

A full narrative appraisal is a comprehensive analysis, substantiated by documented market data, of the value of a property. Full appraisals must be bound, in book-fashion, in the left margin, in a durable cover with an identification of the property on the cover page. The paper must be a good grade bond of size 8 1/2"x 11". All pages must be numbered consecutively, including all exhibits, and each important heading must be shown in the Table of Contents. In short, this is not the brief estimate typically done by a lending institution when a home is refinanced.

2. **The Appraiser's Scope of Practice:** The appraiser must be licensed and/or certified by the Massachusetts Board of Registration of Real Estate Appraisers, and have the appropriate license or certification for the type of land that is appraised. Often the project will require a state certified general real estate appraiser. The following is an excerpt from the state regulations for the Board of Registration of Real Estate Appraisers.

264 CMR 6.01: Scopes of Practice

(1) State-Licensed Real Estate Appraisers. State-licensed real estate appraisers may appraise:

- a. non-complex one-to-four unit residential properties having a transaction value of less than one million dollars (\$1,000,000) and complex one-to-four unit residential properties having a transaction value of less than two-hundred fifty thousand dollars (\$250,000);
- b. vacant or unimproved land that is to be utilized for one-to-four unit residential properties, and where the highest and best use is for one-to-four unit residential purposes; and,
- c. properties as specified by the FFIRAS.

State-licensed real estate appraisers may not appraise subdivisions wherein a development analysis/appraisal is necessary and utilized.

(2) State-Certified Residential Real Estate Appraisers. State-certified residential real estate appraisers may appraise:

- a. residential properties with one-to-four units and complex one-to-four unit residential property both without regard to transaction value;
- b. vacant or unimproved land that is to be utilized for one-to-four unit residential use and where the highest and best use is for one-to-four family unit residential purposes; and,
- c. properties as specified by the FFIRAS.

State-certified residential real estate appraisers may not appraise subdivisions wherein a development analysis/appraisal is necessary and utilized.

(3) State-Certified General Real Estate Appraisers. State-certified general real estate appraisers may appraise all types of non-complex and complex real property both residential and non residential.

Regulatory Authority: 264 CMR 6.00: M.G.L. c. 13, s. 92; M.G.L. c. 112, §. 173-195.

3. **Common Comparable Sales Problems:** Reports usually contain comparable sales and the examples offered should be just that: comparable. The locations should be similar, preferably the same town. If they are not, the narrative must explain why that particular sale is still comparable. The highest and best use and market situations of the comparable sale should be the same as the subject property. These sales must also represent arms length transactions – generally municipal transactions are not arms length.
4. **Common Valuation Problems:** The highest and best use must reflect a market situation, and typically "open space" or "conservation" is not a marketable situation. If the subject property cannot support development, perhaps it would be attractive to abutters who wish to add to their own holding (assembly), or the property may have some timber value, or if the property is part of a larger parcel, a before and after value is warranted. Any restrictions placed in the deed by the grantor (seller) can possibly lower the value of the property.
5. **Complicated Circumstances:** Appraisals must be analytical narrative reports following current professional appraisal standards. All components of the report such as introductory and supporting data, valuation analysis, limiting conditions, and certifications must meet these standards. If necessary, the Division of Conservation Services will furnish supplementary specifications which delineate additional required data in the appraisal of highly specialized properties or properties to be acquired under unusual circumstances.
6. **Eminent Domain Taking:** The Municipality must notify the Appraiser if an eminent domain taking is contemplated or a possibility. All grant program participants must provide for fair and equitable treatment of persons and businesses to be displaced as a result of the acquisition. Participants must abide by the requirements of M.G.L. c. 79A or c. 80A (both pertain to eminent domain takings), as amended.
7. **Review Appraisal:** When, in the opinion of the Director, the value of the property remains in doubt, further appraisals may be required to reach a value conclusion. The resolution of value may be accomplished through the performance of entirely new appraisals or through the engagement of an appraiser as qualified above for the purpose of reviewing existing appraisal reports and certifying a final value conclusion.
8. **Reports must be submitted by the grant round deadline.** However, if DCS requires report corrections, revisions, or review appraisals; they may be submitted after the deadline.
9. **Reports must be written for the applicant municipality.** Appraisals must include the municipality as a client, and cannot be paid for, or obtained by, the owner.
10. **Special Note for appraisals submitted as part of a conversion proposal.** These Reports must value the converted property under a hypothetical situation: *as if the property were developable*, unencumbered by any conservation or recreation restrictions.

Sources And References

These appraisal specifications are based on material from the following sources:

1. EEA Land Acquisition Policy – Appraisals dated September 1, 1995.
2. Uniform Standards of Professional Appraisal Practice

APPRAISAL REPORT REQUIREMENTS

I. INTRODUCTION

- A. Title Page: Each Appraisal Report must include: (a) the name of the Municipality (client) for which the Report was prepared, (b) the name and street address of the property, (c) land area of the property (d) the name and street address of the owner(s), (e) the name of the individual making the report, and (f) the effective date of the appraisal.
- B. Table of Contents – List all essential items in the report.
- C. Certificate of Value – See Exhibit I.
- D. Summary of Important Facts and Conclusions
- E. Photographs
- F. Statement of Limiting Conditions and Assumptions: Each Appraisal report should set forth the limiting conditions and assumptions made by the Appraiser in preparing the report. If there is a discrepancy in description, acreage, frontage, or other factual data, the Report should note which description, amount or measurement is being used in calculating the final value.

II. FACTUAL DATA

- A. Purpose of Appraisal: Include a statement of the reasons for the appraisal, a definition of the appraisal problem and a description of the property rights being appraised.
- B. Legal Description and Title
- C. Area, City and Neighborhood Data: Include the area, city and neighborhood data, including area or location maps (such as the United State Geologic Survey topographic map) and indicate the location of the subject property. Include a general description of the city or town, the section of the community, and the actual area surrounding the property. This section should also include a discussion of the town's or city's attitude toward development, and upon what information any conclusions are based; whether the town or city has a Master Plan; the population trends in the community, and reasons for such trends. This data should be kept to a minimum and related to the valuation problem at hand.
 - 1. Favorable and Unfavorable Factors: List and discuss favorable and unfavorable factors affecting the property, such as transportation, major industries, shopping centers and recreation areas. Any hazards or nuisances which affect the subject property, such as obnoxious facilities, smoke, smell, noise and traffic, should be thoroughly discussed. Indicate the factor's location and relationship to the property as well as its effect upon market value.
 - 2. Real Estate Market Conditions: Discussion of current real estate market conditions affecting the area, including supply and demand factors. Mention the specific type of property being appraised, along with future indicated trends and the extent to which those trends affect the value of the property. Also include data on the number of lot sales, and, if available, bona fide building permits issued in the past three to five years, and those pending, for the type of development or construction starts within that three to five year period.

III. PROPERTY DATA:

The data collected by the Appraiser should be as comprehensive as possible, and be acknowledged and related to the Appraiser's determination of Highest and Best Use and final value conclusions.

- A. Site - describe the property's location; current use(s); access (public or private road, paved or unpaved); adequacy of access for subdivision purposes; area; shape; extent of road frontage; buildings; presence and location or absence of utilities; topography; soils and sub-soil conditions; porosity of soils/adequacy of drainage; availability of town sewer (if none, whether soil will percolate); presence or availability of potable water, and whether current or proposed uses may cause contamination of sources of drinking water or wells on or near the property; merchantable forests; extent of water frontage; scenic views; wetlands or floodplain, aquifer recharge districts, or any other environmental constraints. Any history of the site, or physical characteristics, which might indicate its use for disposal or storage of known hazardous or potentially hazardous materials must be indicated. In the case of a partial acquisition, the report should

similarly describe the remainder property, including any limitations or enhancement caused by the acquisition of the subject property. Describe any Massachusetts General Laws Chapter 6I (forest land), Chapter 6IA (agricultural and horticultural land) and 6IB (recreational land) encumbrances which have been placed on the property. Include the existence and extent of any easements, rights of way and/or other encumbrances (including conservation, agricultural, or other preservation restrictions or easements) which appear of record and/or on the ground. Investigate the likelihood of existence or non-existence of loam, peat moss, water, timber, gravel or mineral deposits on the subject property. If it is determined that such materials exist, determine whether there is a demand or market for the material(s). If so, indicate whether a permit to extract or remove these materials has been issued, or the likelihood of issuance or denial of a permit if applied for. If a permit is not necessary, or has been issued, or issuance would be likely, determine the enhancement value these materials bring to the subject property, if any, by use of the comparable sales method. The presence, absence or value of such materials need not be investigated when the appraisal assignment is for a partial interest in the property which does not include rights to these materials.

- B. Site Conditions and Improvements - Include a description of site conditions and/or improvements by narrative or list form. Such conditions and improvements may include buildings or other structures, foundations, ruins, archeological sites, cemeteries, quarries, dams, and water or flood control devices. If measurable, include dimensions, and cubic or square foot measurements of such conditions and improvements. Where applicable to determination of highest and best use, determine the rentable areas on site (including a statement of the method of measurement used in determining rentable areas), and the fair market rental value of such areas. Also note evidence or likelihood of existence of hazardous materials or waste on the site. Where so noted, the Appraiser must immediately notify the Municipality.
- C. Equipment - Where the highest and best use of the subject property is for a special purpose (for example, as a downhill ski facility, golf course, or camp), include a description of equipment appurtenant to the appraised premises by narrative or list and include all items of equipment. The current physical condition and relative use and/or obsolescence should be stated for each item or group of equipment described, and a final value estimate of each item or group determined. When repair or replacement of the equipment is necessary to bring the equipment to a usable condition, an estimate of the costs for doing so should be provided. Any related personal equipment, such as tenant trade fixtures, which are not attached or considered part of the realty must be separately inventoried by the Municipality. Where applicable, these detachable or individually owned items must be separately valued by the Appraiser.
- D. History - State the history of the use or uses of the property. Include any evidence of prior use of the property for storage, use or disposal of hazardous wastes or materials. Where applicable, describe the purpose for which improvements were designed, dates of original construction and major renovations and/or additions. Show all transfers of the appraised property for the past ten (10) years, including sales; the sale price, if listed; leases; and, if known, offers to buy or sell. If there have been no transfers within the past ten (10) years, the Report should so state, and include a report of the last sale.
- E. Assessed Value and Annual Tax Load - Include the assessor's map and parcel number for the property, a copy of the assessor's map, and the current assessment and dollar amount of real estate taxes. Also include assessments for the five previous years and comment on consistency of assessments, practices and procedures. Assessments for land and structures should be listed separately. If the property is registered under Chapter 6I, 6IA or 6IB, the report must include the full assessment and tax as well as the reduced assessment and tax. If the property is not taxed, estimate the assessment as if the property were subject to taxation, state the rate and give the dollar amount of the tax estimate.
- F. Insurance - If the Appraiser determines value by the income approach then the Appraisal Report should present the estimated rate per thousand and the annual cost of adequate insurance coverage (not necessarily present coverage).
- G. Public Land Use Controls: The Appraiser should make an exhaustive review of laws and regulations that affect the subject property and acknowledge and relate them to the Appraiser's final value conclusions.
 - a. Zoning - Include, as an exhibit or in the addenda, a copy of the applicable sections of the zoning regulations in effect as of the date value is certified, and the date on which the regulations became effective. Describe the zoning for the subject property and for comparable properties; and reveal

whether the zoning regulations allow pork chop lots, cluster developments, condominiums, cooperatives or other alternative development approaches. Indicate whether limited development options would enhance value where, for example, higher lot values for buildable land result if non-buildable land is designated as permanent open space, or where a greater net value results from sales of oversized lots utilizing only existing street frontage. If the subject property is not zoned, state what the zoning would be under private ownership. If rezoning is imminent, the background and status of the matter should be described. Also indicate the likelihood of issuance of a variance or approval of a change in zoning where such a variance or change could affect the Highest and Best Use of the subject property. The Appraiser should not unduly speculate; any conclusion that a zoning change may occur or variance would be issued must be clearly supported and explained.

- b. Subdivision Rules and Regulations - Where Highest and Best Use of the subject property is deemed to be a subdivision, relevant sections of the current local Subdivision Rules and Regulations must be cited, and copies provided (showing date on which they became effective) including: class of roads, width of rights of way, width of paved surfaces, slope limitations, dead-end road limitations, utilities requirements, sight-stopping distances, intersecting curve radii, and cul-de-sac radii.
- c. Wetland Regulations - If the property is potentially subject to the jurisdiction of the United States Rivers and Harbors Act (33 USC Section 404); the Massachusetts Wetland Protection Act (MGL Chapter 131, Section 40); the Massachusetts Wetlands Restriction Act (MGL Chapter 130, Section 105); or a city or town wetlands by-law, the areas within their jurisdiction and the activities regulated thereby must be discussed, and their impact on the valuation of the subject property determined.
- d. Flood Plain Regulations - If the subject property lies in any federal flood hazard district, a flood plain map must be included showing the relationship of the subject property to the district, and the impact on the valuation of the subject property.
- e. Water Resource or Aquifer Protection Districts - If the subject lies in a water resource or aquifer protection district, a map must be included showing the relationship of the subject property to the district, together with a description of the regulations and their impact on the value of the subject property.
- f. Other Overlay or Floating Zones - The Appraiser should investigate whether other overlay districts or protective zones have been created which may impact the subject property, and determine their effect upon its value.
- g. State Sanitary Code (title 5)/Board of Health Regulations If the Appraiser has reason to believe that all or part of the subject property is suitable for development and there is no municipal sewer available to the site, the Appraiser should investigate the local regulations concerning minimum standards for placement and capacity of septic systems, as well as the acceptable percolation rate. If percolation tests are not performed on the site, the Appraiser should submit soil survey maps of the site and identify the types of soils found. If soil maps are not available, or if the Appraiser has concluded the highest and best use of the subject does not include development, a report from a soil scientist is required to indicate (a) the types of soils found on the subject property, (b) whether the site is capable of supporting operational septic systems, and (c) limitations, if any, of the soil types found on the property. If sewer is available to the subject, or if the property may or must connect to sewer, the Appraiser should investigate and report whether new connections to the system are being accepted; whether any regulations or phasing in hook-ups control new connections; whether the town system has sufficient capacity, or sufficient capacity is planned or expected, and within what timeframe.

IV. ANALYSIS AND CONCLUSIONS

- A. Highest and Best Use: The Report must state the Highest and Best Use or combination of uses that can be made of the property (land and improvements) for which there is a current market. The analysis should include a discussion of other logical uses considered and the reasons why the property being appraised

lends itself to the selected use. If the Highest and Best Use is different than the present use, the Appraiser should discuss how the property being appraised is available, suitable, adaptable and in demand for the new use. The valuation should be based upon the stated Highest and Best Use. If the Highest and Best Use is based on a zoning change, variance, special permit or subdivision plan approval, the Appraiser should have concluded that there is a substantial likelihood that the required zoning relief would be granted and the Appraiser should set forth the basis of that opinion in the Report. In the event of a partial acquisition or taking, the Highest and Best Use of the remaining portion of land should be stated, including the reasons why the Highest and Best Use remains the same or has changed by virtue of said partial acquisition. This determination must be undertaken in conformance with a Highest and Best Use analysis described herein.

B. Value Estimate by Market Approach: This section of the Report should determine market value of the subject property according to the following analyses.

a. Direct Sales Comparison - The Appraiser's opinion of the value of the land must be supported by confirmed sales of comparable, or nearly comparable lands having like optimum uses. In general, a minimum of five comparable sales is required. In special circumstances, however, a lesser number may be used. Where a lesser number is used, acceptable reasons must be given why other comparable sales are not available. No comparable sales should be used which are older than three years, except under unusual circumstances, which circumstances should be fully explained in the Report. All comparable sales used must be personally inspected and photographed by the Appraiser and should be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale, and the Report should indicate by whom confirmation was given. Include these references in the Report addenda. The following information and steps must be included:

- i. A summary of comparable sales (lots and acreage) and perimeter sketches (include in Addenda);
- ii. A map showing the location of the comparable sales (and the subject property, if appropriate);
- iii. A table or chart showing all relevant adjustments, including changed market conditions, or time. Care should be taken to qualify sales of improved property to eliminate price increases or decreases due to exceptional additional, renovation, rehabilitation, casualty or depreciation of the improvements; and
- iv. A discussion in detailed, narrative form, discussing such factors as:
 - time
 - location (desirability, view, etcetera)
 - zoning and other land use controls
 - frontage (water or road)
 - topography, including soil type
 - utilities (water, gas, electric, sewer)
 - cost of extending or installing utilities
 - financing (mortgage back, etcetera)
 - proposed use intended by the grantee at time of acquisition and present use
 - whether it is a contingency sale based on future
 - development of individual lots - the adjustments must not be excessive in relation to the type of property being appraised and the market data available.
- v. Sales from neighboring towns may be used if necessary, providing that adjustments are made for different market characteristics, zoning, and other relevant factors.

b. Cost of Development Approach - Where the direct sales approach cannot account for the development potential of the subject property, determine the value of the property by use of the development less costs method (a/k/a "cost of development" or "anticipated use" method). Where such method is employed, include the following steps and information:

- i. Determination of the gross sales value of each lot within the subdivision based on data collected by the direct sales approach, and determination of the net value to the developer after deducting costs (e.g., engineering, construction, marketing, legal, financial and other carrying costs), as well as a percentage for the developer's profit (i.e., return on investment). In determining net value to the developer, extreme care must be exercised in estimating annual cash flow: front end costs may make the use of averages inappropriate. Also, the discount rate must primarily reflect the discounted current value of future income. The risk factor in a theoretical subdivision must be accounted for in the developer's profit rather than in the discount rate.
 - ii. Confirmation of cost figures with professionals in the pertinent field and with local developers.
 - iii. Substantiation of development capacity of the subject property through engineering reports and land use planning.
 - iv. If a separate land planning element of the Report is not prepared, a sketch or plan showing the subdivision of the subject property to illustrate the number, location and size of the lots upon which the Report is based must be included.
- c. Value Comparison and Summary
 - i. The estimate of value arrived at by means of the Development Approach should be compared on a per acre basis with the value arrived at by the Direct Sales Comparison Approach.
 - ii. If the values do not closely agree, the reason for the divergence must be fully explained.

This section may be omitted if the Appraiser determines that use of the market approach is inappropriate; provided, however, the Report clearly states the reasons for such determination.

- C. Value Estimate by Cost Approach: This section must be in the form of commutative data concerning construction or building materials arranged in sequence (i.e., original cost, depreciation, and current values) and including reproduction or replacement cost, and must state the source (book and page if a national service) of all figures used. If an acquisition by eminent domain is possible, the Appraiser should employ a cost estimator or engineer to determine the cost new. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, should be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.

This section may be omitted if the Appraiser determines that use of the cost approach is inappropriate; provided, however, the Report clearly states the reasons for such determination.

- D. Value Estimate by Income Approach: This section of the Report must include adequate factual data to support each figure and factor used and must be arranged in detailed form to show at least (a) estimated gross economic rent or income, (b) allowances for vacancy and credit losses; and (c) itemized estimate of total expenses, including reserves for replacements. All data must be source documented and justified. In reference to comparable rental properties, include the name of the lessor, the lessee, the terms and date of the lease, and verification thereof.

Capitalization of net income must be based upon the type of property and location similar to the subject property. The capitalization technique, method and rate used should be fully explained in narrative form, supported by a statement of sources of rates and factors. Include adequate documentation to support the income, expenses, interest rate, remaining economic life and capitalization rate. Where it is determined that the economic rental income is different from the existing or contract income, the increase or decrease must be explained and supported by market information.

This section may be omitted if the Appraiser determines that use of the income approach is inappropriate; provided, however, the Report clearly states the reasons for such determination.

- E. Interpretation and Correlation of Estimates: Interpret the foregoing estimates and should state the reasons why one or more of the conclusions reached are indicative of the market value of the property. Include a summary of the data seen by the Appraiser to be most pertinent to the appraisal assignment. A clear explanation of how the data are interpreted, weighted and mathematically treated to reach the value conclusion must be provided.
- F. Less than Fee Acquisitions: Where the appraisal assignment is for determination of the value of less than fee interests in land (e.g., conservation restrictions), the Appraiser must determine the value of this interest by use of the before and after method. The Appraiser must fully detail the analysis of the highest and best use of the subject property without the restriction or easement as described herein, and clearly explain any changes in the highest and best use after imposition of the restriction or easement.
- G. Severance Damages: If the property being appraised is a partial acquisition or taking, or is a separate parcel but physically contiguous to other land of the owner, or is under the same ownership but physically non-contiguous to other land of the owner (but which may add value to the non-contiguous parcel, e.g., by providing access to a body of water), severance damages must be fully described and discussed. The method of value estimation should be the before and after method. The amount of the severance damages should be determined mathematically as well as described in narrative form.
- H. Enhancement: The Appraiser should investigate and determine whether the acquisition will enhance the value of the remaining property of the owner. If so, the method of value estimation must be the before-and-after method. The Report must set forth the enhancement value separately, with a full discussion and analysis of the factors giving rise to the enhancement.
- I. Changes in Valuation Caused by the Public Use or Improvement: Notwithstanding subsections F. and G. above, any change in the fair market value of real property prior to the date of valuation caused by the public use or improvement for which such property will be acquired, or by the likelihood that the property would be acquired for such use or improvement, will be disregarded in determining fair market value of the property.

V. EXHIBITS AND ADDENDA TO BE INCLUDED IN EACH REPORT

All maps and plans may be bound as facing pages opposite the description, tabulation or discussions they concern.

- A. Subject Location Map (within the city or area)
- B. Comparative Map Data (show geographic location of the subject property and the comparative parcels analyzed).
- C. Detail of the Comparative Data
 - a. Color Photograph of the Property (in the case of unimproved woodland, a photograph across the frontage showing the road frontage and surrounding area)
 - b. Grantor
 - c. Grantee
 - d. Date of Sale
 - e. Recording Data
 - f. Source of Information
 - g. Breakdown of Sales Price
 - i. amount to land
 - ii. amount to improvements
 - h. Terms of Sale
 - i. Improvements at Time of Sale
 - j. Use of property
 - k. Zoning
 - l. Description of property
 - i. size
 - ii. shape

- iii. amount of frontage
 - iv. topography
 - v. utilities available
 - vi. amenities
 - vii. assessed value
- D. **Plot Plan:** The plot plan should include the approximate location of any improvements, easements, right of ways, flood plain zoning lines, and/or other encumbrances that exist or have been placed upon the property.
- E. Deed
- F. Floor Plans (when needed to explain the value estimates)
- G. Flood Plain Zoning Map (where applicable)
- H. Local Zoning (excerpts as required to support the appraisal)
- I. References (detail the sources from which the Appraiser drew information contained in the Report. Where information is from an office or individual, the appraiser should identify the name, address, capacity and telephone number of the source of such information. Also list junior appraisers, researcher, etc. who assisted in preparation of the report)
- J. Other Pertinent Exhibits (e.g., timber cruise, land planning report, engineering report)
- K. A Resume of Qualifications (for all appraisers and other experts contributing to the determination of value in the Report).
- L. **Owner's Property Inspection Certificate:** The appraiser must invite the landowner or his or her representative to accompany the appraiser during inspection of the property. To allow the landowner time to make the necessary arrangements, the invitation should be made appropriately in advance of the planned inspection date. Reasonable efforts should be made to include the landowner or his or her representative in the inspection. The appraiser should consider any information the landowner may provide which is relevant to the issue of the value of the property inspected. However, the appraiser must use his or her best judgment as to the usefulness of any information provided by the landowner. See Exhibit 2.

VI. REPORTS OTHER THAN COMPLETE, SELF-CONTAINED

Reports other than Complete, Self-Contained appraisal reports must be prepared in compliance with the then current Uniform Standards of Professional Appraisal Practice (USPAP). Such reports may include complete appraisals in Summary or Restricted reports, or limited appraisals in Self-Contained, Summary or Restricted reports.

EXHIBIT I

CERTIFICATE OF VALUE

OWNER(S):

ADDRESS/LOCATION OF PROPERTY:

I, _____ HEREBY CERTIFY THE FOLLOWING: THAT ON
, I PERSONALLY MADE A FIELD INSPECTION OF THE PROPERTY HEREIN APPRAISED AND HAVE
AFFORDED THE OWNER THE OPPORTUNITY TO ACCOMPANY ME ON THIS INSPECTION;

That to the best of my knowledge and belief, the statements contained in the appraisal here set forth are true, and
the information upon which the opinions expressed herein are based in correct, subject to the limiting conditions
therein set forth;

That I understand that such appraisal may be used in connection with acquisition of the subject property by the
City/Town of Massachusetts;

That such appraisal has been made in conformity with the appropriate state laws, regulations, policies,
specifications and procedures;

That neither my employment nor my compensation for making this appraisal and report are in any way contingent
upon the values reported herein;

That I have no direct or indirect present or contemplated future personal interest in such property or in any
benefit from the acquisition of such property appraised; and

THAT MY OPINION OF THE VALUE OF THE PROPERTY AFFECTED BY THE PROPOSED ACQUISITION
OR TAKING, AS OF THE _____ DAY OF _____, 20__ IS _____, AND THAT THE
CONCLUSIONS SET FORTH IN THIS APPRAISAL ARE BASED UPON THE EXERCISE OF MY INDEPENDENT
PROFESSIONAL JUDGMENT.

SIGNATURE _____

DATE

EXHIBIT 2: OWNER'S PROPERTY INSPECTION CERTIFICATE

1. _____ (_____) _____
Name(s) of Supposed Owner(s) Telephone Number with Area
Code

Address
Town/City State Area Code

2. Please check appropriate line

_____ I wish to accompany the appraiser on an inspection of my property.

_____ I wish to have my representative accompany the appraiser(s) on an inspection of my property. (Please fill in Item 3.)

_____ I do not wish to accompany the appraiser(s) on an inspection of my property.

3. _____ (_____) _____
Name of Authorized Representative Telephone Number with Area Code

Address
Town/City State Area Code

4. The following individuals and/or entities occupy the premises in accordance with an agreement as indicated (lease, life estate, etc.):

a. _____ b. _____
Name of Individual or Entity Name of Individual
or Entity

_____ Occupied Premises _____ Occupied Premises

_____ Type of Agreement _____ Type of Agreement

5. I certify that I have given the above-referenced tenants or occupants notice of the appraiser's inspection of the property.

Name(s) of Supposed Owner(s)

6. I hereby authorize the appraiser to enter and inspect the property, after reasonable notice, for the purposes of preparing an appraisal.

Owner's Signature Date

Attachment C: Sample Municipal Vote

Each community should draft its warrant article or city council order with the guidance of municipal counsel. The form will vary with the type of project, source of funding, etc. All should include the following elements:

- I. Authorization to expend an amount equal to the full acquisition and/or development cost of the project. All DCS grant programs are *reimbursement* programs, not match programs; therefore, the total project cost must be raised or appropriated through current tax levy or borrowed; project bills paid by the municipality and then a reimbursement request is made to DCS for the grant amount.
- II. Indication of the source of funding (Conservation Fund, Community Preservation Act Fund, general fund, borrowing, etc.). M.G.L. Chapter 44, sections 7, 8C, and 12(a) on Municipal Indebtedness, allows cities and towns to borrow in anticipation of reimbursement. It is strongly recommended that the warrant article or city council order is prepared with the advice of city/town counsel, treasurer and accountant to ensure that the appropriate section is noted in the warrant article. These sections permit the municipality to borrow in anticipation of a grant and require that a grant agreement be executed before the treasurer actually obtains the borrowed amount. This assures DCS that the municipality has 100% of the total project cost, and assures the municipality that the project need not be completed if the proposal does not receive grant assistance. For further advice, please contact the Department of Revenue, Division of Local Services at (617) 626-2300.
- III. Acquisition projects: indicate that land is being acquired either for conservation and passive outdoor recreation purposes (Chapter 40, Section 8c) or for active recreation purposes (Chapter 45, Section 3 or 14, for example) and will be in the care and control of the appropriate commission or department.
- IV. Authorization for the conservation commission to seek reimbursement under the LAND program, (formerly known as the Self-Help program), Chapter 132A, §11, and enter any necessary contracts thereto.
- V. If a taking is involved in an acquisition project, the conservation commission must, in writing, request the selectmen or city council to take the property via eminent domain.
- VI. Communities may also consider allowing the subsequent conveyance of a Conservation Restriction.
- VII. Communities may also consider language permitting a license or lease agreement to manage the property consistent with the LAND grant program for maintenance, etc.

The following is a sample vote authorizing the acquisition of conservation land using Self-Help financial assistance. This is intended only as a point of reference. **Municipal Counsel should always be consulted when drafting Town Meeting warrant articles or City Council orders.** The draft article or order should be submitted to DCS for review prior to the Town Meeting or City Council to ensure compliance with the grant program.

Sample for Conservation Acquisition Project – Town Meeting Warrant Article

To see if the CITY/TOWN will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen [describe method of appropriation and/or borrowing according to M.G.L. Chapter 44, note particularly Section 8C], to borrow the sum of \$TOTAL PROJECT COST, for the purpose of purchasing for conservation and passive recreation purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as the PROPERTY NAME consisting of XXX acres, more or less, as shown on a plan entitled "Plan of Land in MUNICIPALITY made by SURVEYING FIRM dated XX/XX/XX"; that said land be conveyed to said CITY/TOWN under the provisions of Massachusetts General Laws, Chapter 40, Section 8c, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of MUNICIPALITY, and the Conservation Commission be authorized to file on behalf of MUNICIPALITY any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article, and the CITY/TOWN and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of MUNICIPALITY to affect said purchase.

Attachment D: Eligible towns with 2010 population 6,000 or below

Town	2010 population	Town	2010 population	Town	2010 population
Alford	494	Hampden	5,139	Phillipston	1,682
Aquinnah	311	Hancock	717	Plainfield	648
Ashby	3,074	Hardwick	2,990	Plympton	2,820
Ashfield	1,737	Hatfield	3,279	Princeton	3,413
Avon	4,356	Hawley	337	Provincetown	2,942
Barre	5,398	Heath	706	Richmond	1,475
Becket	1,779	Hinsdale	2,032	Rochester	5,232
Berlin	2,866	Holland	2,481	Rowe	393
Bernardston	2,129	Hopedale	5,911	Rowley	5,856
Blandford	1,233	Hubbardston	4,382	Royalston	1,258
Bolton	4,897	Huntington	2,180	Russell	1,775
Boxborough	4,996	Lanesborough	3,091	Sandisfield	915
Boylston	4,355	Lee	5,943	Savoy	692
Brimfield	3,609	Lenox	5,025	Sheffield	3,257
Brookfield	3,390	Leverett	1,851	Shelburne	1,893
Buckland	1,902	Leyden	711	Sherborn	4,119
Carlisle	4,852	Manchester	5,136	Shutesbury	1,771
Charlemont	1,266	Marion	4,907	Southampton	5,792
Cheshire	3,235	Mendon	5,839	Stockbridge	1,947
Chester	1,337	Middlefield	521	Sunderland	3,684
Chesterfield	1,222	Millville	3,190	Tisbury	3,949
Chilmark	866	Monroe	121	Tolland	485
Clarksburg	1,702	Monterey	961	Truro	2,003
Colrain	1,671	Montgomery	838	Tyringham	327
Conway	1,897	Mount Washington	167	Wales	1,838
Cummington	872	Nahant	3,410	Warren	5,135
Deerfield	5,125	New Ashford	228	Warwick	780
Dover	5,589	New Braintree	999	Washington	538
Dunstable	3,179	New Marlborough	1,509	Wellfleet	2,750
East Brookfield	2,183	New Salem	990	Wendell	848
Eastham	4,956	North Brookfield	4,680	Wenham	4,875
Edgartown	4,067	Northfield	3,032	West Brookfield	3,701
Egremont	1,225	Oak Bluffs	4,527	West Newbury	4,235
Erving	1,800	Oakham	1,902	West Stockbridge	1,306
Essex	3,504	Orleans	5,890	West Tisbury	2,740
Florida	752	Otis	1,612	Westhampton	1,607
Gill	1,500	Paxton	4,806	Whately	1,496
Goshen	1,054	Pelham	1,321	Williamsburg	2,482
Gosnold	75	Peru	847	Windsor	899
Granville	1,566	Petersham	1,234	Worthington	1,156
Hadley	5,250				

Source: MA Secretary of State, <http://www.sec.state.ma.us/census/>; US Census Bureau.